


To: The Honorable Mayor and City Council

From: Tanya Wilson-Sejour, Planning Zoning & Development Manager 

Date: October 13, 2015

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN AMENDMENT TO THE COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND LITTLE HAITI HOUSING ASSOCIATION, INC. D/B/A HAITIAN AMERICAN COMMUNITY DEVELOPMENT CORPORATION TO ALLOW FOR AN EXTENSION TO THE TERM OF THE AGREEMENT, AN EXTENSION TO THE PROJECT COMPLETION DATE AND FOR A MODIFICATION TO THE SCOPE OF THE PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

RECOMMENDATION

It is recommended that the Mayor and Council approve the attached Resolution, authorizing the City Manager and the City Attorney to amend and extend the agreement between the City and Haitian American Community Development Corporation (HACDC) formerly known as Little Haiti Housing Association, Inc. (LHHA) in order to meet the City's Community Housing Development Organization (CHDO) allocation requirement.

BACKGROUND

The City of North Miami is the recipient of HOME Investment Partnerships Program Funds from the U.S. Department of Housing and Urban Development (HUD), for the execution and implementation of Housing Programs in the City pursuant to Title 1 of the Cranston Gonzalez National Affordable Housing Act, HOME Investment Partnership Act (HOME). HOME requires a minimum of fifteen (15) percent of its annual allocation to be reserved for investment in housing to be developed or owned by Community Housing Development Organizations (CHDOs). As such, for the past eight (8) years, the Little Haiti Housing Association, Inc, d/b/a Haitian American Community Development Corporation (HACDC), has been a qualified CHDO and a provider of affordable housing with the city.

PURPOSE & INTENT

On September 10th 2014, the City Council of the City of North Miami unanimously passed Resolution 2014-R-78, which authorized the City Manager and City Attorney to enter into an agreement with HACDC formerly known as Little Haiti Housing Association Inc. (LHHA)

under the HOME Investment Partnership Program funds program totaling Sixty-one thousand one hundred ninety seven (\$61,197). The purpose of this agreement is to provide for the acquisition, demolition and development of 4 units at 1525 NE 128th Street with an original completion date of October 31, 2015 (see location map). After the preliminary lot analysis, the project scope has been reduced from four (4) units to three (3) units, each unit containing 1,327 sq. ft. in size. However, the time was insufficient to complete the proposed project. As a result, HACDC is requesting an extension from October 2015 to October 2016 and an amendment to the agreement in order to finalize the project.



CONCLUSION

Based on the US Department of Housing and Urban Development (HUD), the proposed guidelines project must be completely developed and extension to the term of the agreement

granted to avoid being in non-compliance with regulations. As such the proposed resolution seeks to extend the project time to allow HACDC to move forward with the proposed plans to create 3 Units (triplex) on the subject site before October 31, 2016.

Attachments:

1. Resolution
2. Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN AMENDMENT TO THE COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND LITTLE HAITI HOUSING ASSOCIATION, INC. D/B/A HAITIAN AMERICAN COMMUNITY DEVELOPMENT CORPORATION TO ALLOW FOR AN EXTENSION TO THE TERM OF THE AGREEMENT, AN EXTENSION TO THE PROJECT COMPLETION DATE AND FOR A MODIFICATION TO THE SCOPE OF THE PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the City of North Miami ("City") is the recipient of HOME Investment Partnership Program funds from the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS, the HUD provides for a minimum of fifteen (15) percent of its annual allocation, to be reserved for investment in housing to be developed or owned by Community Housing Development Organizations (CHDOs); and

WHEREAS, Little Haiti Housing Association, Inc. d/b/a Haitian American Community Development Corporation ("HACDC") is qualified as a Community Housing Development Organization; and

WHEREAS, the City entered into a CHDO Agreement with HACDC on September 10, 2014 as authorized by Resolution R 2014-R-78 to provide for the acquisition, development or demolition of certain properties within the City ("Project"); and

WHEREAS, the original Project completion date of October 31, 2015, is not sufficient to allow HACDC to complete the Project, requiring an extension to the term of the agreement and the Project completion date is recommended; and

WHEREAS, the original scope of the Project was a four (4) units townhouse development located at 1525 N.E. 128th street; and

WHEREAS, after the architect's completion of a lot analysis, the Project size has been reduced from four (4) to three (3) units, modifying the scope of the Project; and

WHEREAS, the Mayor and City Council desire to amend the original agreement to allow for an extension to the term of the agreement, an extension to the completion date for the Project and for a modification to the scope of the Project.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Authority of City Manager and City Attorney. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager and City Attorney to negotiate and execute a first amendment to the CHDO Agreement between City of North Miami and HACDC to extend the agreement term and the Project completion date to October 31, 2016 and to modify the scope of the Project from four (4) to three (3) units, in substantially the attached form.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of _____, 2015.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ROLAND C. GALDOS, ESQ.
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.

_____ (Yes) _____ (No)

Vice Mayor Carol Keys, Esq.

_____ (Yes) _____ (No)

Councilman Scott Galvin

_____ (Yes) _____ (No)

Councilman Philippe Bien-Aime

_____ (Yes) _____ (No)

Councilman Alix Desulme

_____ (Yes) _____ (No)

**FIRST AMENDMENT TO COMMUNITY HOUSING
DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT
BETWEEN THE CITY OF NORTH MIAMI AND
LITTLE HAITI HOUSING ASSOCIATION, INC.
D/B/A
HAITIAN AMERICAN COMMUNITY DEVELOPMENT
CORPORATION**

THIS FIRST AMENDMENT, entered into on this ____ day of _____, 2015, by and between **THE CITY OF NORTH MIAMI**, a Florida municipal corporation (hereinafter referred to as the "CITY"), with its office located at 776 N.E. 125th Street, North Miami, Florida 33161 and **LITTLE HAITI HOUSING ASSOCIATION, INC. d/b/a HAITIAN AMERICAN COMMUNITY DEVELOPMENT CORPORATION**, (hereinafter referred to as "AWARDEE"), located at 181 N.E. 82 Street, Miami, Florida 33138 (collectively the "Parties").

RECITALS

WHEREAS, the Parties desire to amend the original agreement which was entered into on September 10, 2014, for HOME Investment Partnership Program (HOME) Funds under the City's entitlement allocation; and

WHEREAS, under the terms of the original agreement, this project was originally scheduled to be completed by October 31, 2015; and

WHEREAS, the original time period is insufficient for AWARDEE to properly allow for the completion of the project; and

WHEREAS, the original scope of the project was a four (4) units townhouse development located at 1525 N.E. 128 Street; and

WHEREAS, after the architect's completion of a lot analysis, the project size has been reduced from four (4) to three (3) units; and

NOW THEREFORE, in consideration of the mutual terms and conditions set forth below, the Parties agree as follows:

1. Section II - Article 2. Term is hereby amended. The Term of the agreement is hereby extended to October 31, 2016.
2. Section III – The Project – Project Description is hereby amended. The scope of the project will be reduced from the development of four (4) units to three (3) units at the project located at 1525 N.E. 128 Street.

3. Section IV – Project Requirements, Subsection A. Commencement Date and Completion Date is hereby amended. The substantial completion date shall be extended to October 31, 2016.
4. Exhibit A – Scope of Work, Sections A and B are hereby amended. The scope of the project will be reduced from the development of four (4) units to three (3) units at the project located at 1525 N.E. 128 Street.
5. All other terms and conditions of the original agreement remain in full force and effect.

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IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their respective and duly authorized representatives effective as of the date first written above:

CITY OF NORTH MIAMI

LITTLE HAITI HOUSING ASSOCIATION,
INC. d/b/a HAITIAN AMERICAN
COMMUNITY DEVELOPMENT
CORPORATION
"Awardee"

By: _____

By: _____

Title: City Manager

Title: Authorized Representative

Signature: _____

Signature: _____

Date: _____

Date: _____

Witness Signature _____

Typed/Printed Name of Witness

ATTEST:

Michael A. Etienne
City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Roland C. Galdos
Interim City Attorney